

JUDGE CASTELCLOSED JURY TRANSFERRED, TYPE-H
08 CV 2435

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:07-cv-01470-EGS
Internal Use Only

SULTON v. PETERS

Assigned to: Judge Emmet G. Sullivan

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/13/2007

Date Terminated: 02/01/2008

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government

Defendant

Plaintiff**JAMES E. SULTON, III**represented by **Francis H. Koh**

Koh Law Firm, LLC.

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Anne Thomas Sulton**

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ATTORNEY TO BE NOTICED

V.

Defendant**MARY E. PETERS***Secretary of Transportation*represented by **Oliver W. McDaniel**

U.S. ATTORNEY'S OFFICE

FOR THE DISTRICT OF COLUMBIA

**United States District Court
for the District of Columbia****A TRUE COPY****NANCY MAYER-WHITTINGTON, Clerk**By Jackie Traner
Deputy Clerk**CIVIL DIVISION**

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LEAD ATTORNEY

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Date Filed	#	Docket Text
08/13/2007	● <u>1</u>	COMPLAINT against MARY E. PETERS (Filing fee \$ 350, receipt number 4616006181) filed by JAMES E. SULTON, III. (Attachments: # 1 Civil Cover Sheet)(jf,) (Entered: 08/17/2007)
08/13/2007	●	SUMMONS (3) Issued as to MARY E. PETERS, U.S. Attorney and U.S. Attorney General (jf,) (Entered: 08/17/2007)
08/13/2007	● <u>2</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Anne Thomas Sulton, :Firm- Sulton Law Firm, :Address- P.O. Box 2763, Olympia, WA 98507. Phone No. - (360) 870-6000. by JAMES E. SULTON, III (jf,) (Entered: 08/17/2007)
08/23/2007	●	MINUTE ORDER granting <u>2</u> Motion for Leave to Appear Pro Hac Vice. Anne T. Sulton may appear in this case pro hac vice as counsel for plaintiff. Signed by Judge Emmet G. Sullivan on August 23, 2007. (lcegs2) (Entered: 08/23/2007)
08/23/2007	●	(Court only) ***Attorney Anne Thomas Sulton for JAMES E. SULTON, III added. (tth,) (Entered: 08/24/2007)
10/09/2007	●	(Court only) ***Staff notes (kk) (Entered: 10/09/2007)
10/11/2007	●	SUMMONS REISSUED (1) as to MARY E. PETERS. (jf,) (Entered: 10/11/2007)
10/15/2007	● <u>3</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General September 17, 2007. (Sulton, Anne) Modified on 10/16/2007 (nmw,). (Entered: 10/15/2007)
10/15/2007	● <u>4</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney. MARY E. PETERS served on 9/24/2007, answer due 11/23/2007 (Sulton, Anne) Modified on 10/16/2007 (nmw,). (Entered: 10/15/2007)
10/16/2007	●	NOTICE OF CORRECTED DOCKET ENTRY: re <u>3</u> Summons Returned Executed as to Attorney General, <u>4</u> Summons Returned Executed as to US Attorney for DC were entered in error (no case number and scanned sideways) and counsel was instructed to refile said pleadings. (nmw,) (Entered: 10/16/2007)
10/17/2007	● <u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General September 17, 2007. (Sulton, Anne) (Entered: 10/17/2007)
10/17/2007	● <u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the US Attorney, served on 9/24/2007, answer due 11/23/2007. (Sulton, Anne) Modified on 10/18/2007 (jf,). (Entered: 10/17/2007)

10/25/2007	● 7	NOTICE of Appearance by Oliver W. McDaniel on behalf of MARY E. PETERS (McDaniel, Oliver) (Entered: 10/25/2007)
11/21/2007	● 8	MOTION to Dismiss <i>or, in the Alternative</i> , MOTION to Transfer Case by MARY E. PETERS (Attachments: # 1 Text of Proposed Order # 2 Exhibit 1 (Docket Entries from 06-cv-11363 (RWS) (S.D.N.Y.))# 3 Exhibit 2 (Complaint in 06-cv-11363 (RWS) (S.D.N.Y.))# 4 Exhibit 3 (Declaration of Patricia Healey))(McDaniel, Oliver) (Entered: 11/21/2007)
11/26/2007	● 9	Memorandum in opposition to re 8 MOTION to Dismiss <i>or, in the Alternative</i> MOTION to Transfer Case filed by JAMES E. SULTON, III. (Attachments: # 1 Text of Proposed Order # 2 Affidavit of James E. Sulton, III# 3 Exhibit DOT Final Agency Decision Finding FAA Discriminated Against Sulton On The Basis Of His Race# 4 Exhibit DOT Final Decision on Damages# 5 Exhibit Sulton FAA Test Score and Region Preferences# 6 Exhibit Washington DC EEOC Letter to DOT# 7 Exhibit NBCFAE Emails To FAA and DOCR re Sulton# 8 Exhibit Congressmen Fattah and Clyburn Letters to FAA# 9 Exhibit Washington DC FAA Official Ventris Gibson Letters Re Sulton Complaint# 10 Exhibit DOT DOCR Cambridge Letter Re FAA Refusing to Mediate# 11 Exhibit FAA Book Re Gloria Quay Part of Washington DC Headquarters Office# 12 Exhibit Armstrong Letter Re Sulton Damages# 13 Exhibit DOT Employee and Complaint Data# 14 Exhibit FAA Regions)(Sulton, Anne) (Entered: 11/26/2007)
11/30/2007	● 10	REPLY to opposition to motion re 8 MOTION to Dismiss <i>or, in the Alternative</i> MOTION to Transfer Case filed by MARY E. PETERS. (McDaniel, Oliver) (Entered: 11/30/2007)
11/30/2007	● 11	MOTION for Summary Judgment <i>on the issue of liability</i> by JAMES E. SULTON, III (Attachments: # 1 Text of Proposed Order # 2 memo of points and authorities in support of motion for summary judgment# 3 Affidavit James E. Sulton, III in support of motion for summary judgment# 4 Exhibit DOCR Attorney Yvette Workman letters# 5 Exhibit DOCR final agency decision# 6 Exhibit DOCR Cambridge report# 7 Exhibit FAA organizational chart# 8 Exhibit Sulton FAA test score and region preferences# 9 Exhibit DOCR info on its responsibilities)(Sulton, Anne) (Entered: 11/30/2007)
12/02/2007	● 12	MOTION for Leave to File <i>Sur-Reply to Defendant's Reply Memo Further In Support of Motion to Dismiss or Transfer Venue</i> by JAMES E. SULTON, III (Attachments: # 1 Text of Proposed Order # 2 Exhibit Gloria Quay letter to James Sulton# 3 Exhibit Susan Bounds letter to James Sulton)(Sulton, Anne) (Entered: 12/02/2007)
12/04/2007	●	MINUTE ORDER granting 12 Plaintiff's Motion for Leave to File Sur-reply. Defendant shall respond to plaintiff's sur-reply no later than December 17, 2007. Signed by Judge Emmet G. Sullivan on December 4, 2007. (lcegs2) (Entered: 12/04/2007)
12/04/2007	● 13	SURREPLY to re 8 MOTION to Dismiss <i>or, in the Alternative</i> MOTION

		to Transfer Case filed by JAMES E. SULTON, III. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(nmw,) (Entered: 12/05/2007)
12/05/2007	●	Set/Reset Deadlines: Responses to sur-reply due by 12/17/2007 (clv,) (Entered: 12/05/2007)
12/14/2007	● <u>14</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment <i>on the issue of liability</i> by MARY E. PETERS (Attachments: # <u>1</u> Text of Proposed Order) (McDaniel, Oliver) (Entered: 12/14/2007)
12/17/2007	●	MINUTE ORDER granting <u>14</u> Unopposed Motion for Extension of Time to File Response. Defendant's Response shall be filed no later than December 17, 2007. Signed by Judge Emmet G. Sullivan on December 17, 2007. (lcegs2) (Entered: 12/17/2007)
12/17/2007	●	Set/Reset Deadlines: Responses due by 12/17/2007 (clv,) (Entered: 12/17/2007)
12/17/2007	● <u>15</u>	RESPONSE re <u>13</u> Surreply and Supplemental Memorandum in Support of Defendant's Motion to Dismiss or, Alternatively, to Transfer filed by MARY E. PETERS. (Attachments: # <u>1</u> Supplemental Declaration of Patricia Healey)(McDaniel, Oliver) (Entered: 12/17/2007)
12/17/2007	● <u>16</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment <i>on the issue of liability</i> filed by MARY E. PETERS. (McDaniel, Oliver) (Entered: 12/17/2007)
12/17/2007	● 17 <u>17</u>	Unopposed MOTION to Continue <i>and</i> , MOTION for Discovery pursuant to Rule 56(f) by MARY E. PETERS (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Memorandum of Points and Authorities# <u>3</u> Declaration of Oliver W. McDaniel)(McDaniel, Oliver) (Entered: 12/17/2007)
12/18/2007	● <u>18</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment <i>on the issue of liability</i> filed by JAMES E. SULTON, III. (Sulton, Anne) (Entered: 12/18/2007)
01/07/2008	●	MINUTE ORDER directing the plaintiff to respond to <u>15</u> Defendant's Response and Supplemental Memorandum in Support of Motion to Dismiss or Transfer. Plaintiff is directed to inform the Court whether or not he will consent to transferring this case to the Southern District of New York based on defendant's declaration regarding location of employment but for the unlawful employment practice. Plaintiff's response shall be filed no later than January 11, 2008. Signed by Judge Emmet G. Sullivan on January 7, 2008. (lcegs2) (Entered: 01/07/2008)
01/07/2008	●	Set/Reset Deadlines: Responses due by 1/11/2008 (clv,) (Entered: 01/07/2008)
01/08/2008	● <u>19</u>	RESPONSE TO ORDER OF THE COURT re Order,, <i>re transfer of venue</i> filed by JAMES E. SULTON, III. (Attachments: # <u>1</u> Exhibit Lewerenz brief re damages# <u>2</u> Exhibit Gibson letters)(Sulton, Anne) (Entered: 01/08/2008)

01/10/2008	•20	REPLY re <u>19</u> Response to Order of the Court filed by MARY E. PETERS. (McDaniel, Oliver) (Entered: 01/10/2008)
02/01/2008	•21	ORDER denying <u>8</u> Motion to Dismiss; granting Motion to Transfer Case <u>8</u> . Signed by Judge Emmet G. Sullivan on February 1, 2008. (lcegs2) (Entered: 02/01/2008)
02/01/2008	•22	MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on February 1, 2008. (lcegs2) (Entered: 02/01/2008)
02/01/2008	•	(Court only) ***Civil Case Terminated. (clv,) (Entered: 02/20/2008)
03/05/2008	•	Case transferred out to the USDC of Southern District of New York, pursuant to Court Order entered February 01, 2008. Sent to Court by mail. (jf) (Entered: 03/05/2008)